

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Sep 13, 2023

SEAN F. MCAVOY, CLERK

Eastern District of Washington**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Adam Lee Spencer

Case Number: 0980 2:16CR00170-TOR-1

Address of Offender: [REDACTED] Spokane, Washington 99205

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: September 26, 2017

Original Offense: Felon in Possession of Firearm, 18 U.S.C. §§ 922(g)(1), 924(a)(2);
Distribution of 5 Grams or More of Actual (Pure) Methamphetamine, 21 U.S.C. §
841(a)(1), (b)(1)(B)(viii)

Original Sentence: Prison - 54 months Type of Supervision: Supervised Release
TSR - 60 months

Revocation Sentence: Prison - 13 months
(January 26, 2022) TSR - 60 months

Asst. U.S. Attorney: Caitlin A. Baunsgard Date Supervision Commenced: October 21, 2022

Defense Attorney: Christina Wong Date Supervision Expires: October 20, 2027

PETITIONING THE COURTTo issue a **warrant**.

On October 21, 2022, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Spencer, as outlined in the judgment and sentence. He signed a copy acknowledging the requirements.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<p><u>Special Condition #6:</u> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.</p>
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Supporting Evidence: On or about June 29, 2023, Adam Spencer allegedly violated special condition number 6 by consuming methamphetamine, cocaine and fentanyl.

On June 29, 2023, this officer contacted Mr. Spencer and instructed to report to the U.S. Probation Office for random urinalysis testing. Because he stated he was scheduled to work until 5 p.m., the undersigned made arrangements for him to submit to urinalysis testing at Pioneer Human Services (PHS).

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At approximately 5:55 p.m., after close of business that same date, the offender sent the undersigned a text message stating he was unable to get to PHS, and thus would simply report to the U.S. Probation Office the next morning to meet with this officer. Shortly after receiving his text message on June 29, 2023, the offender was contacted and notified that PHS was open for urinalysis testing until 7 p.m.; as such, his instruction to report for random urinalysis testing was reiterated. The offender subsequently admitted he would be positive.

In the evening of June 29, 2023, the offender reported to PHS as instructed. He subsequently provided a urine sample that was presumptive positive for methamphetamine, amphetamine, cocaine and fentanyl; he signed an admission of use form admitting to the use of all those illicit substances.

- 2 **Standard Condition #7:** You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

Supporting Evidence: On or about July 18, 2023, Adam Spencer allegedly violated standard condition number 7 by failing to report a change in his employment.

On August 17, 2023, the undersigned attempted to contact Mr. Spencer to have him submit to random urinalysis testing but received an automated message that the offender's cell phone was not currently accepting incoming calls. In an attempt to establish contact, this officer contacted the offender's employer who advised that Mr. Spencer had not been employed there since July 18, 2023.

- 3 **Special Condition #6:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On or about August 17, 2023, Adam Spencer allegedly violated special condition number 6 by consuming methamphetamine and fentanyl.

On August 18, 2023, Mr. Spencer contacted the undersigned and was subsequently instructed to report to the U.S. Probation Office for random urinalysis testing. The offender reported to the office as instructed on that date and provided a urine sample that was positive for methamphetamine and fentanyl. Mr. Spencer admitted to the use of both methamphetamine and fentanyl on or about August 17, 2023. He signed an admission of use form confirming his use.

- 4 **Special Condition #6:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

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Supporting Evidence: On or about August 29, 2023, Adam Spencer allegedly violated special condition number 6 by consuming amphetamine, methamphetamine, cocaine, codeine, marijuana and fentanyl.

On August 29, 2023, the offender reported to PHS for his updated drug assessment; as an element of his assessment, Mr. Spencer was subject to urinalysis testing and provided a urine sample that would later be confirmed by a laboratory to be positive for amphetamine, methamphetamine, cocaine, codeine, marijuana and fentanyl.

According to the information received from the treatment provider, the offender appeared to be severely under the influence so treatment staff asked the offender for his car keys, but he declined.

On September 6, 2023, the lab report was received confirming that the urine sample collected from Mr. Spencer was in fact positive for amphetamine, methamphetamine, cocaine, codeine, marijuana and fentanyl.

5 **Standard Condition #13:** You must follow the instructions of the probation officer related to the conditions of supervision.

Supporting Evidence: On September 12, 2023, Adam Spencer allegedly violated standard condition number 13 by failing to remain engaged in inpatient substance abuse treatment until completion.

On August 29, 2023, the offender reported to PHS for his updated drug assessment; inpatient drug treatment was recommended but Mr. Spencer was first required to detox.

As such, on August 30, 2023, the offender reported for detox at Spokane Treatment and Recovery Services (STARS) as arranged by PHS.

On September 1, 2023, this officer spoke with the offender while he was at STARS. He explained that PHS had arranged for him to transition into inpatient substance abuse treatment at Sun Ray Court effective September 5, 2023. The undersigned subsequently instructed Mr. Spencer to report for and engage in inpatient treatment at Sun Ray Court until his successful completion, and he confirmed that he understood.

On September 5, 2023, the offender transitioned out of detox and into inpatient substance abuse treatment at Sun Ray Court as scheduled.

On September 12, 2023, Mr. Spencer departed from inpatient treatment after only 1 week.

6 **Special Condition #6:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On or about September 12, 2023, Adam Spencer allegedly violated special condition number 6 by consuming methamphetamine and fentanyl.

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On September 13, 2023, the offender contacted the assigned probation officer to advise that he had departed from treatment the prior evening, on September 12, 2023. In response, Mr. Spencer was instructed to report to the U.S. Probation Office for random urinalysis testing. When asked if he would be positive for any illicit substances, the offender advised he had "relapsed" after leaving treatment.

Later that date, on September 13, 2023, the Mr. Spencer reported to the U.S. Probation Office and was subject to urinalysis testing. Mr. Spencer provided a urine sample that was presumptive positive for methamphetamine and fentanyl. He signed an admission of use form confirming that use.

The U.S. Probation Office respectfully recommends the Court issue a **warrant** requiring the offender to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 09/13/2023

s/Amber M.K. Andrade

Amber M.K. Andrade
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other



Thomas O. Rice
United States District Judge
September 13, 2023

Date